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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,322	03/02/2004	Dmitry Andreev	END920030143	1826

7590 08/28/2009  
Andrew M. Calderon  
Greenblum and Bernstein P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191

EXAMINER
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TABOR, AMARE F

ART UNIT	PAPER NUMBER
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* DMITRY ANDREEV, GREGORY VILSHANSKY  
and  
BORIS VISHNEVSKY

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Application No. 10/791,322  
Technology Center 2400

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Mailed: August 28, 2009

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Before DEBORAH PERRY, *Supervisory Paralegal Specialist, Review Team.*

**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was electronically received by the Board of Patent Appeals and Interferences on July 20, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPLICATION PREMATURELY SENT TO THE BOARD OF APPEAL

In response to the Reply Brief filed April 20, 2009, the Examiner issued a Supplemental Examiner's Answer mailed July 17, 2009.

Appellant may file a Reply Brief in compliance with 37 CFR 41.41 within two months of the date of mailing of the Supplemental Examiner's Answer. The response period does not expire until September 17, 2009. July 17, 2009.

The application is being returned to the Technology Center to await any response the appellant may file.

CONCLUSION

Accordingly,

it is ORDERED that the application is returned to the Examiner:

- 1) to return the file to the Examiner/Technology Center until Appellant's time period for response has expired or alternately the Appellant advised the Office that they do not intend to file a response; and
- 2) such further action as may be required.

Application No. 10/791,322

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DP/dw

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